



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE
NOS.
M-00001435;
M-00001353

September 13, 2001

Via Electronic Comments Filing System:
<http://www.fcc.gov/e-file/ecfs.html>

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Comments On Verizon *Ex Parte* Filings Concerning Merger Conditions
To Be Waived For Verizon's "xDSL Over Resold Lines" Service
CC DOCKET NO. 98-184**

Dear Ms. Salas:

Please accept this letter in response to Public Notice DA 01-1987 seeking Comments and Reply Comments on Verizon *Ex Parte* filings referenced above. The Pennsylvania Public Utility Commission (PA PUC) submits the following for consideration. Circumstances beyond our control delayed this submission.

The PA PUC supports the availability of Verizon's "xDSL Over Resold Lines (DRL) Service" in Pennsylvania. The DRL Service will allow resellers to resell VADI's data service when they are also reselling Verizon's voice service. It is the PA PUC's policy to promote the availability of advanced services products for Pennsylvania consumers from a variety of competing suppliers. Our support of this new advance service offering from Verizon, however, does not represent any position on the precise terms and conditions of the new service or on the issue of whether this service offering should also be made available to facilities-based CLECs as well as resellers.

The PA PUC understands that the FCC seeks comments on the matter because Verizon needs to coordinate the resale arrangements for the two services from two different companies. Verizon and VADI's ability to provide this new product involves the processing of orders from the reseller to VADI to Verizon.

When VADI receives a reseller's request for the new service, VADI desires to ensure that the line is an existing resold voice line and to validate that the resold voice account belongs to the reseller making the request by checking the customer service records. All things being equal, the PA PUC believes that Verizon should be allowed to take the steps necessary to coordinate delivery of the service.

Based on information provided to PUC staff by Verizon, the PA PUC can supply the additional following information about the service. Early termination fees continue to be inapplicable where the customer remains a Verizon voice customer, but migrates to a reseller of Verizon DSL. See En Banc Hearing, 4/26/01 Tr. at 280 – 281, Testimony of John Cullina, PA PUC Docket No. M-00001435. However, the normal termination fees are applicable under the new offering -- DSL over resold lines. If an existing Verizon voice customer who has DSL wants resold voice, the customer will have to disconnect his or her DSL, take the resold voice line, and then obtain the DSL. This circumstance applies whether the customer wants to obtain the DSL from VADI or from a reseller.

Customer Premise Equipment (CPE), whether provided by Verizon OnLine or any other entity, will not be available for resale. If the end user is terminating its relationship with Verizon OnLine during the first 30 days of service, the customer may terminate and return the CPE with no termination fee or elect to pay \$175 to keep the CPE. If the termination with Verizon OnLine occurs after 30 days but within the first year of Verizon OnLine service, then the end user would have to pay a \$200 termination fee but keep the CPE. If the termination with Verizon OnLine is after the first year of service, the customer can retain the CPE. VADI's resale of its DSL service does not include Verizon OnLine ISP service.

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

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